

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
(Farm Service Agency)
Plaintiff

v.

DANIEL AUGUSTO MALDONADO
HERNANDEZ
Defendant

Civil No. 97-2558(DRD)

FORECLOSURE OF MORTGAGE

ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from the records of this Court in the above mentioned case that the defendant referred to in the judgment entered by this Court were duly summoned and said defendant has failed to pay to the plaintiff the sums of money adjudged to be paid under said judgment:

And it appearing further that more than ten (10) days have elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States Marshal for this District to proceed forthwith and to sell at public auction to the highest bidder, the property referred to in said judgment and described herein below in the manner and form provided in said judgment and as herein further provided:

RUSTICA: Predio de terreno sito en el barrio Portillo de Adjuntas, Puerto Rico, con cabida de TREINTA Y TRES CUERDAS CON CUARENTA Y DOS CENTIMOS, iguales a trece hectáreas, trece áreas, cincuenta y tres centiáreas y tres miliáreas en linderos por el Norte, con Héctor Rivera; Sur, con Héctor Rivera y Juan Pastor Orta; Oeste, con Héctor Rivera y Pedro Vélez y al ESTE, con Juan Pastor Orta y Antonio Nieves.

Plaintiff's mortgage for the amount of \$22,700.00 later

U.S.A. v. Daniel Augusto Maldonado Hernandez
Civil No. 97-2558 (DRD)
Page 3

d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

h) The purchaser shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

i) The Property Registrar of the corresponding Property

U.S.A. v. Daniel Augusto Maldonado Hernandez
Civil No. 97-2558 (DRD)
Page 2

reamortized to \$24,971.99 was recorded at page 230, volume 162 of Adjuntas property number 5906, 6th Inscription, at the Registry of the Property of Utuado, Puerto Rico.

Plaintiff's mortgage for the amount of \$40,000.00 was recorded at page 230 vto. volume 162 of Adjuntas, property number 5906, 7th Inscription, at the Registry of the Property of Utuado, Puerto Rico.

a) Said public sale shall be held at the office of the Marshal for Superior Court of Puerto Rico, Utuado Part, in accordance with 28 U.S.C. 2001.

b) Notice of Sale shall be published once a week for at least four (4) weeks prior to the sale in at least one newspaper of general circulation in accordance with 28 U.S.C. 2002.

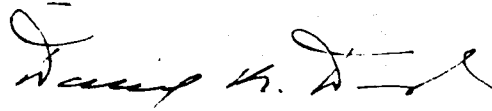
c) The amount on the first loan \$22,700.00, on the second mortgage \$62,700.00, shall serve as the minimum bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

U.S.A. v. Daniel Augusto Maldonado Hernandez
Civil No. 97-2558(DRD)
Page 4

Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED at San Juan, this 20 day of May,
1998.

s/cs:to (2) - A. Cordero
attys/pts - AUSA
in ICMS
5/22/98 *TC*



United States District Judge